

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON LEE REYNOLDS,

Defendant.

CR 17-147-BLG-DLC

ORDER

Before the Court is United States Magistrate Judge Timothy J. Cavan's Findings & Recommendations Regarding Revocation of Supervised Release. (Doc. 45.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan found, based on Mr. Reynolds's admissions at the hearing, that he violated four conditions of supervised release: the mandatory condition that he

not unlawfully possess a controlled substance (Mand. Cond. 2); the special condition that he abstain from the consumption of alcohol and not enter an establishment where alcohol is the primary item of sale (Spec. Cond. 4); the mandatory condition that he not commit another federal, state, or local crime (Mand. Cond. 1); and the special condition that he participate in and successfully complete an outpatient substance abuse treatment program (Spec. Cond. 2). (Doc. 45 at 6–7.)

Judge Cavan recommends that this Court revoke Mr. Reynolds’s supervised release and sentence him to a custodial sentence of two (2) months imprisonment, followed by no term of supervised release. (*Id.* at 7.) Judge Cavan also recommends that the United States’ motion to dismiss Violation No. 5 and the second alleged violation of Violation No. 3 should be granted. (*Id.*) The Court finds no clear error in Judge Cavan’s Findings and Recommendations and adopts them in full.

Accordingly, IT IS ORDERED that Judge Cavan’s Findings and Recommendations (Doc. 45) is ADOPTED in full.

IT IS FURTHER ORDERED that The United States’ motion to dismiss Violation No. 5 and the second alleged violation of Violation No. 3 is GRANTED.

Mr. Reynolds shall be sentenced in conformity with Judge Cavan’s recommendation in the judgment filed concurrently with this Order.

DATED this 28th day of November, 2023.

A handwritten signature in blue ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large initial "D".

Dana L. Christensen, District Judge
United States District Court